

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: November 11, 2009

CALLED TO ORDER: 5:31 p.m.

ADJOURNED: 6:32 p.m.

ATTENDANCE

Attending Members

Ryan Vaughn, Chair
Vernon Brown
Bob Cockrum
Benjamin Hunter
Marilyn Pfisterer
Christine Scales

Absent Members

Mary Moriarty Adams
William Oliver

AGENDA

PROPOSAL NO. 411, 2009 - approves the transfer of \$140,000 in the 2009 Budget of the Department of Public Safety (Consolidated County and State Law Enforcement Funds) to purchase a vehicle for the Metro Drug Task Force, to contract for management services in Emergency Management, and to pay other operating expenses in the divisions of Animal Care and Control and Emergency Management and the Director's Office

"Do Pass"

Vote: 6-0

PROPOSAL NO. 412, 2009 - approves the transfer and appropriation of \$61,403,242 in the 2009 Budgets of IMPD, IFD Pensions, the Marion County Sheriff, Coroner, Prosecutor and Public Defender, and Forensic Services Agency (IMPD General, Fire Pension, and County General Funds) into the newly created Public Safety Income Tax Fund in order to comply with Indiana Code requiring all monies collected from the public safety income tax to be accounted for in a separate fund

"Do Pass"

Vote: 6-0

PROPOSAL NO. 413, 2009 - amends the Code to clarify the definition and violation of animal at large, to expand the definition of serious injury, to specifically provide for court-ordered forfeiture and/or destruction of an animal if serious injury to a person results from the animal chasing or approaching a person in an aggressive manner while at large, and to change the reference to serious bodily injury to serious injury in the section on owner responsibility for animal attacks

"Do Pass"

Vote: 6-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, November 11, 2009. Chair Ryan Vaughn called the meeting to order at 5:31 p.m. with the following members present: Vernon Brown, Bob Cockrum, Benjamin Hunter, Marilyn Pfisterer, and Christine Scales. Absent were Mary Moriarty Adams and William Oliver. Also present was Councillor Mike Speedy.

PROPOSAL NO. 414, 2009 - approves and accepts the transfer of property from the Indianapolis Public Schools to Marion County on behalf of the Marion Superior Court, Juvenile Division

Chair Vaughn said that this proposal needs to be postponed, so that Juvenile Court Judge Marilyn Moores can be present to testify about the proposal.

Councillor Hunter moved, seconded by Councillor Scales, to "Postpone" Proposal No. 414, 2009 until December 2, 2009. The motion carried by a vote of 6-0.

PROPOSAL NO. 411, 2009 - approves the transfer of \$140,000 in the 2009 Budget of the Department of Public Safety (Consolidated County and State Law Enforcement Funds) to purchase a vehicle for the Metro Drug Task Force, to contract for management services in Emergency Management, and to pay other operating expenses in the divisions of Animal Care and Control and Emergency Management and the Director's Office

Valerie Washington, Chief Financial Officer (CFO), Department of Public Safety (DPS), said this proposal is basically a clean-up ordinance for DPS. She said that in looking at their Character 01 budget, they have a small surplus due to a vacant position that has not yet been filled. She said they wanted to hire an additional interpreter and they are still searching for someone to fill the position. Ms. Washington said that she therefore, wants to move some of the money around to ensure that DPS has enough money to make it through the year and not carry bills and invoices over into 2010.

Ms. Washington said the first part of the transfer is for the Metro Drug Task Force, which now falls under the DPS Director's office, because of the dissolution of the Justice Agency. She said this Task Force is a covert operation and uses undercover vehicles. They currently have 24 vehicles, 11 of which have over 100,000 miles. Ms. Washington said this proposal will transfer \$15,000 to Character 04 for the Task Force to purchase two vehicles from an auction they normally use. She said the proposal will also transfer \$10,000 to Indianapolis Animal Care and Control (IACC) to ensure that they have enough money in their Character 02 supply budget to make it through the year.

Ms. Washington said that another transfer in the proposal is to cover a contract that DPS has with Jim White, Director of Emergency Management. She said that Mr. White is contracted through Indianapolis University-Purdue University at Indianapolis (IUPUI), and that position is normally paid out of Character 01. Because this is now a contract position, the money is being transferred to Character 03. She said additionally, Emergency Management has had increased fleet

maintenance costs with some of their vehicles. She said they are in the process of replacing a Ford Explorer that has many problems, but she wants to transfer \$10,000 to Emergency Management's fuel budget to ensure they can cover their fleet service charge through the end of the year.

Councillor Pfisterer asked if it is possible to use impounded vehicles for the undercover drug enforcement agents. Ms. Washington answered that she is not sure if those vehicles can be used, especially if the case is still pending. She said she believes that agents have access to those vehicles once the case has been resolved and a forfeiture has been completed. Councillor Pfisterer said that there was once a question of whether those vehicles would be known on the streets and an agent's cover blown. Ms. Washington said that she will check with Lieutenant Donald Christ, Indianapolis Metropolitan Police Department (IMPD), on the details of how that works and get back with the Committee. Councillor Hunter said that an impounded vehicle is technically someone else's vehicle, and has to go through abandoned vehicle procedures. He said the state law then kicks in and forces the staff to run those vehicles through a state auction. He said the police could go through the auction and purchase those vehicles, but the vehicle has to go through the abandoned vehicle auction if it is not claimed from the impound lot.

Councillor Brown asked to be added as a co-sponsor on the proposal, and moved, seconded by Councillor Scales, to forward Proposal No. 411, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 412, 2009 - approves the transfer and appropriation of \$61,403,242 in the 2009 Budgets of IMPD, IFD Pensions, the Marion County Sheriff, Coroner, Prosecutor and Public Defender, and Forensic Services Agency (IMPD General, Fire Pension, and County General Funds) into the newly created Public Safety Income Tax Fund in order to comply with Indiana Code requiring all monies collected from the public safety income tax to be accounted for in a separate fund

Jason Dudich, Deputy Controller, Office of Finance and Management (OFM), distributed a handout (attached as Exhibit A). He said that OFM is considering a technical clean-up ordinance based on information from the State concerning the depositing of revenue from the public safety income tax. He said the State has informed OFM that they need to re-allocate where the revenue goes to make sure that appropriations to the respective agencies come out of that fund. He said this does not reduce or change the overall appropriations to the agencies and does not reduce or increase revenues. He said it is simply an accounting shift from the various funds that the money is currently deposited into to a Public Safety Income Tax Fund.

Mr. Dudich read through the information included in Exhibit A. His presentation included the following key points:

- Page two gives the history of the public safety income tax.
 - The IMPD General Fund funds IMPD operations.
 - The Fire Pension Trust Fund funds fire pension payments.
 - The County General Fund was then used to fund various public safety agencies within the county.

- Page three states the law as it relates to the public safety income tax.
 - OFM tried to discuss with the State that an account could be viewed as a revenue code within IMPD General, Fire Pension, or County General, but the State said it needs to be a separate fund.
 - Revenue is being appropriated to agencies through this proposal as well.
- Page four lists the changes to the 2009 budget that will take place with the proposal.
- Page five is a table breakdown of the changes.
- Page six details the appropriation side of the adjustment.
 - All agencies listed will still maintain their original budgets.
- Page seven shows the agencies that are affected, the original fund from which their appropriations were coming, the reduction of that appropriation, the new fund being established and the increase in appropriation for that fund.

Councillor Pfisterer asked if this is just a way to track the public safety tax to determine how much was received, where it came from and where it was spent. Mr. Dudich answered that it is likely being done because the state law requires that the revenue be deposited into a very specific separate account and used for specific purposes.

Councillor Pfisterer asked if this proposal will create difficulty in appropriating the money from the public safety tax fund. Mr. Dudich answered in the negative. He said that OFM will return before the Committee to make the same type of accounting shift for the 2010 budget, as they were not aware of this issue when the budget was presented.

Councillor Hunter asked if the amount of money that would have been spent for public safety initiatives will remain the same and if it is simply in a different line item for accounting purposes. Mr. Dudich answered in the affirmative.

Councillor Pfisterer moved, seconded by Councillor Brown, to forward Proposal No. 412, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 413, 2009 - amends the Code to clarify the definition and violation of animal at large, to expand the definition of serious injury, to specifically provide for court-ordered forfeiture and/or destruction of an animal if serious injury to a person results from the animal chasing or approaching a person in an aggressive manner while at large, and to change the reference to serious bodily injury to serious injury in the section on owner responsibility for animal attacks

Councillor Scales introduced Terri Kendrick, Interim Director, IACC. She said Ms. Kendrick has history with prosecuting cases related to injuries from animals. Councillor Scales said she feels that Ms. Kendrick has, in her short time in the position, brought out an atmosphere of cooperation with many of the animal welfare groups and engendered a lot of confidence in the various groups that need to work with IACC. Councillor Scales said that she believes that this ordinance is a positive step in strengthening what the City currently has in terms of prosecuting animal cases.

Ms. Kendrick said that the current definition of at large in the code is “not confined without means of escape.” She said the proposal would add the words “of any portion of the animal’s body” immediately after that definition. She said the reason for this addition is so that the ordinance explicitly covers cases in which a dog is able to stick its head over, under or through a fence. Ms. Kendrick said that the City had a case such as this before that was won at the trial court level, but the case was appealed. Because of another issue involving ownership of the property under city improvements, they decided to simply fix the ordinance.

Ms. Kendrick said the ordinance also adds the language “or in the public right-of-way” to the violation of animal at large. In that instance, the Code currently states that if your animal is at large and in a place other than your property, and it chases or approaches a person in a menacing fashion or attacks another animal, it is a more serious violation. She said the same case to which she referred involved a dog that was in a yard and stuck its head over or through a fence and bit a dog that was being walked on a leash by its owner on a city sidewalk. She said, again, the case was won on a trial court level, but the defense attorney appealed arguing that the animal was confined without means of escape, as only its head came out of the fence, and that the animal was not at a place other than its owner’s property, even though the incident took place on a city sidewalk. She said in that particular neighborhood, property owners own the land underneath the abutting city improvements to the center line of the roadway. Ms. Kendrick said that this ordinance will fix that language to include incidents that happen whether or not the person owns the land underneath the sidewalk.

Ms. Kendrick said in addition, the ordinance will also add language that explicitly allows a court to order forfeiture of an animal that is at large and merely chases or approaches a person in a menacing fashion without actually attacking the person. If the person suffers a serious injury as a result of that violation, the court will be allowed to order forfeiture of that animal. For example, a dog chases a person and that person falls and breaks their tailbone, the court can find that a serious injury resulted from the violation, and the animal can be forfeited.

Ms. Kendrick said that finally, the current definition of “serious injury” is too restrictive. It requires proof of a broken bone or lacerations (more than one) severe enough to require multiple sutures, cosmetic surgery or death. She said the new definition in the ordinance is modeled after the State law definition of “serious bodily injury” and allows the City to argue that any injury that results in any permanent scarring or extreme pain or permanent or protracted loss or impairment of use of an organ or bodily member is a serious injury. In those cases, it can be argued that the court should order that the animal be forfeited and become the property of IACC.

Councillor Speedy thanked Ms. Kendrick for drafting the language of the proposal. He said that much of the reason for the change to the serious injury definition is due to a particular incident. He said there are few opportunities for Councillors to hear from dog bite victims to fully understand what it is like to be a victim and how the City reacts to those incidents. Councillor Speedy said he asked the family that inspired the change to share their testimony in order to give the Councillors a glimpse of what people experience living in neighborhoods with dogs with irresponsible owners and dogs with superior capabilities of inflicting damage.

Councillor Speedy introduced Yolonda Madison and Shirley Pinner. He said that Ms. Pinner was mauled by an animal earlier this year and Ms. Madison is her granddaughter. Ms. Madison said that her grandmother was attacked by her neighbor's pit bull on Monday, August 24, 2009. She said her grandmother suffered several lacerations, which required several sutures, and the IACC officer came and informed the family that the dog owner would be allowed to have the dog on a 10-day home quarantine. She said the officer also explained to them some of the things that were the owner's responsibilities, as well as informing them of the three citations that the owner received: one for the dog jumping the fence, one for the dog not having identification of a tag or chip, and one for biting her grandmother. Ms. Madison said the following Sunday, her grandmother witnessed the dog owner's teenage son handling the dog, which is a violation of the quarantine, according to the officer. She said that her grandmother phoned IACC and was on hold for almost an hour, so she drove to the facility to get someone to come to her grandmother's house to investigate what was supposed to be a quarantine violation. Ms. Madison said that they were informed that it was not a violation, because the dog was being handled by a competent person. She said they received continuous miscommunication about what constitutes a quarantine violation. In addition, Ms. Madison said they did not understand why the dog was allowed to stay at home due to the severity of her grandmother's injuries. She said that her grandmother's injuries met the current definition of "serious bodily injury." Ms. Madison said that when she went out to the facility, she informed the officer that her aunt had emailed the pictures of her grandmother's injuries to the officer who responded the day of the attack, because the pictures that the officer took that day only showed her grandmother's arm already bandaged. She said that her grandmother was also prescribed a medication because she suffered from anxiety and nightmares because of the attack and because the dog was not being properly quarantined. Ms. Madison said that the dog continued to run freely in the yard, and there was no enforcement or oversight from IACC. She said that she finally contacted the property owner, because the dog owner was a renter, and he was then evicted from the property. She said that they do not want other neighborhoods to have to deal with this issue, so she tried to contact Mark Renner, Interim Director, DPS, to inform him that IACC is not doing what is needed to prevent or resolve these kinds of issues, but she received no response. Ms. Madison said that she was upset with the non-responsiveness of several agencies, as she even contacted Mayor Gregory Ballard's office and never received any response from his office. She said nothing was done in this matter until she contacted Councillor Speedy. She said their concern was that the dog owner was dealt with as severely as possible by primarily impounding and euthanizing the dog. She said they took the civil route, and the dog owner was found guilty of the three citations and the dog was subsequently euthanized. Ms. Madison said that she appreciates Councillor Scales' efforts with the proposal, but she feels that some other things need to be done to strengthen the animal ordinance, so that this type of situation does not happen in the future and so that negligent dog owners do not simply receive a slap on the wrist. Ms. Madison said this particular dog owner still owns and breeds pit bulls, and his current residence is still not sufficient to confine his dogs to his property, which puts his new neighbors at risk.

Councillor Hunter said that he understands that the language will address the issue with the definition of "serious bodily injury," but he is concerned with what he is hearing on the quarantine side of it. He said the current definition for "quarantining authority" as listed in the ordinance is not going to be amended by this proposal. He asked if the home quarantine that was ordered on the dog in Ms. Pinner's case was a regulation by the Health and Hospital Corporation.

He said his concern is that if that is a regulation, how Sec. 531-109 (c) applies with respect to someone violating a provision of the action if the quarantine situation is not being defined. Ms. Kendrick answered that Health and Hospital does not have any provisions in its code regarding quarantining, but State law does. However, she does not have those provisions with her at this time. She said that she has looked at the quarantine provisions in the state law in the past and they do allow the City, under state law, to impound an animal whenever there is any bite or any breaking of the skin. Ms. Kendrick said, as a city prosecutor, she put together a recommendation for IACC that recommends impounding an animal for a 10-day quarantine any time there is a belief that there has been an attack that was not provoked that could have resulted in serious injury. She said on the 11th day, the city prosecutor that has taken the case is in court with a petition for bonding, asking the court to order a continuous hold pending ultimate disposition of the case and to require the owner of the animal to pay the cost of that hold by posting a bond up front. Ms. Kendrick said that the ordinance sets forth how much time a person has to post the bond. She said unfortunately, that recommendation was not always being followed as is evident in the Ms. Pinner's case. She said that one of the many issues that they are trying to correct at IACC is to have a consistent policy that the officers follow as directed.

Councillor Hunter asked if city prosecutors prosecute under both the city and the state law. Ms. Kendrick answered that they do not prosecute under the state law, but they do quarantine under the state law. She said if IACC takes possession of the animal for the quarantine, then the quarantine ordinance does not apply, because the dog owner is not quarantining the animal. If the dog is left in the possession of the owner in a case where there is not a serious injury, she said they would like to see the dog impounded for quarantine when there is an ongoing issue at the address with that animal or other animals owned by that person. She said when IACC officers go to take a run, they are not privy to prior history because they do not have mobile data terminals (MDTs) in their vehicles. She said she would like to see that officers have MDTs in their vehicles in the future. Ms. Kendrick said they not only ask for animals to be forfeited when they cause serious injury, but they also ask for animals to be forfeited if there is a history of violations with the owner of the animal.

Ms. Kendrick said that the most important thing in these cases is to get the animal off the street, and it can always be returned once a decision has been made. She added that the dog owner in Ms. Pinner's case is in violation if he is still breeding, because under the existing Code, now that he has had a violation of animal at large and/or animal attacking without provocation, he is no longer allowed to own any dog that is not spayed or neutered.

Councillor Pfisterer said that she admires Ms. Madison for her determination in getting the information and required results that she needed. She said it sometimes takes a citizen to get the job done.

Councillor Pfisterer asked if this ordinance is modeled from an ordinance in other cities or if there is a best practice model in other cities. Councillor Speedy answered that he does not believe so. He said his understanding is that it is an organic ordinance that has been modified and adjusted over time.

Councillor Pfisterer said that she understands that Ms. Pinner's situation was an extreme situation, but she is concerned with Sec. 531-102 (c) (2), with regard to the violation resulting in serious injury to any person and the court's call to order the animal forfeited and/or destroyed. She said she can think of a situation in which a person is terrified of dogs and a dog such as a poodle barks at them causing them to fall and break a bone. She asked if the judge has discretion as to how to handle such cases. Ms. Kendrick answered in the affirmative, and stated that in order for an animal to be forfeited, the animal must have actually attacked another animal while at large and off its owner's property, or have chased or approached a person in a menacing fashion or an apparent attitude of attack while at large. She said the key is that the dog is not being punished, but the owner is, and if there is a belief that the animal needs to be removed from the community to protect the community, then that is when the animal will be forfeited.

Ms. Kendrick said, with respect to Councillor Pfisterer's question of whether the ordinance is modeled after other cities, that Sec. 531-109 was added to the Code in 2004 by Ms. Kendrick after looking at ordinances from other cities. She said, however, that those ordinances do not impose strict liability, and Marion County's ordinance does. She said that the only exception to that section is that the person who was attacked must have actually been hurting or trying to hurt the animal or another person.

Councillor Pfisterer asked Ms. Kendrick to define forfeiture. Ms. Kendrick answered that forfeited simply means that the animal becomes the property of IACC, who then decides what to do with the animal based on a variety of factors. Depending on the violation or offense, the animal may be eligible for adoption.

Councillor Speedy asked Ms. Pinner to explain what happened when she was attacked by the dog. Ms. Pinner answered that she was on her property, coming out of her gate when she was attacked by the dog. She said the dog jumped the fence of its owner's property and knocked her over into her hedges. She said she had just recently had surgery on a severe tear in the muscle of her right arm, and this was aggravated with the attack. Councillor Speedy asked if Ms. Pinner is aware if the dog had prior bite history. Ms. Madison said that they are not sure if this particular dog had bite history, but they discovered from IACC records that the owner had recently surrendered a pit bull due to temperament issues. That animal was subsequently euthanized.

Councillor Speedy asked if the number of dogs owned by this particular owner is known. Ms. Madison answered that the owner had two pit bulls and a mixed breed dog on the day of the attack. Councillor Speedy said that he is concerned that the victim was asked to live with the dog right next door in the days following her mauling.

Councillor Speedy asked Ms. Kendrick if she knows why this animal was not forfeited. Ms. Kendrick said that it would not be fair for her to answer that question, as she was not working in the agency at that time, but she said that the previous administrator once informed her that he did not want those animals in IACC because they would endanger his staff.

Chair Vaughn asked if this exposes the city to liability. Ms. Kendrick answered that she does not believe so. She said she has not looked at the Tort Claims Act for a long time, but it previously

stated that the City has immunity for enforcing the law or failing to enforce the law, or conducting an inspection or failing to conduct an inspection.

Councillor Scales commented that she believes that this is a good example of one reason that the previous administrator is no longer in office.

Councillor Brown apologized to Ms. Pinner and her family for the pain, suffering and frustration that they have endured. He asked Ms. Kendrick about MDTs in IACC's vehicles and how many vehicles are available for their officers. Ms. Kendrick answered that she is unsure of the total amount of vehicles. She said when an officer gets a run, he or she is called on a hand-held radio by the dispatcher and has to pull over to the side of the road to write down the address to where they are going. She said they do not have the ability to run that address to check its history. She said she would like for the officers to have this information so they are better prepared to handle each case. Councillor Brown asked Ms. Kendrick if she is under DPS. Ms. Kendrick answered in the affirmative. Councillor Brown said that Ms. Kendrick should be able to get MDTs from the department, because they have many of them.

Councillor Brown asked if calls are queried by address or owner's name. Ms. Kendrick answered that the city prosecutor's office queries by name to see if a person has had any violations at another address. If so, that person is treated differently than a first-time violator.

Councillor Hunter said that MDTs have changed to mobile data computers (MDCs), but the history will only be good for 90 days. He said he is shocked that IACC officers do not have that equipment, as that is a needed tool for the officers, as well as communication with the Metropolitan Emergency Communication Agency (MECA) to generate the runs and send them to the officers over the radio. Ms. Kendrick said that MECA does not send their runs. She said their process involves calls being made to the Mayor's Action Center to the IACC dispatcher. The dispatcher then calls the officers on the radio to give them the information. Councillor Hunter said that he supports IACC getting MDCs for their officers.

Councillor Brown asked if this ordinance in any way affects or restricts responsible pet owners. Ms. Kendrick answered in the negative. She stated that it does not affect owners as long as the animal is being confined on the owner's property, or if it is on a leash or in a structural enclosure, such as the owner's car; and the owner does not let the animal attack anyone that does not provoke the animal.

Councillor Brown asked if there is a procedure for people who want to be breeders. Ms. Kendrick answered that there is a provision, and she believes it is in the 800th section of the Code. She said there is licensing for kennels, stables and pet shops. A person who breeds and sells an "occasional" litter of puppies or kittens is specifically excluded from the definition of a kennel. Ms. Kendrick said this particular section defines a kennel as a facility operated commercially and principally as that. She said if the principal use of a property is a dwelling, but dogs are also being bred there, then nothing would be done unless it could be proven that the person is selling more than an occasional litter and they are operating that facility principally and commercially for breeding animals. She said if that can be proven, the City could require the person to get a license and have the property zoned for that use. Ms. Kendrick said that as Sec.

531-728 of the Code is currently written, there is no restriction on breeding animals unless a person has had a prior violation.

Councillor Brown said that he believes that this proposal is a step in the right direction for ensuring more responsible pet ownership. He said he would like to see that the people who enforce these laws and ordinances have the proper tools to handle these issues. Councillor Brown asked to be added as a sponsor on the proposal.

Councillor Speedy asked Ms. Pinner how the mauling has changed her life. Ms. Pinner answered that before her neighbor moved, she was afraid to go outside to her trash can, weed her garden, or sit on her porch. She said the dogs were still running free in her neighbor's yard at the time and the fence was a regular fence, so she was afraid that the dogs would jump the fence.

Councillor Speedy asked if there was fear of the dogs before Ms. Pinner's mauling. Ms. Pinner answered that there was an incident where one of her other neighbors had to have someone call the dog owner to come home so that the neighbor's niece could get out of the house, because the dog was out on the street. Ms. Pinner said that children would also walk into the street instead of walking in front of the dog owner's yard because of the dogs. Ms. Pinner said that when the dog mauled her, he charged her three times before biting her twice. Councillor Speedy said that this is a trait with pit bulls, they do not just bite and run; they are persistent and tenacious and stay on something until they accomplish a purpose. He said they are bred that way.

Councillor Brown said that vicious animal attacks are not isolated incidents in the City. Therefore, the more that is done to strengthen the regulations that deal with animals, the better off the City is and all its citizens.

Councillor Pfisterer moved, seconded by Councillor Scales, to forward Proposal No. 413, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 6:32 p.m.

Respectfully submitted,



Ryan Vaughn, Chair
Public Safety and Criminal Justice Committee

Proposal 412 – 2009

Reallocation of Public Safety Income Tax Revenue and Appropriations

History

- City County Council exercised the option to enact a Public Safety Tax in 2007 under IC 6-3.5-6-31
- Public Safety Income Tax revenue began coming into the city and county coffers in the 2008 budget
- Revenues were deposited into three funds: IMPD General Fund, Fire Pension Trust Fund and County General Fund

The Law

- State of Indiana directed the City and County to deposit Public Safety Income Tax revenues into a separate fund for 2009 and beyond
- IC 6-3.5-6-31(f)(2)(B) – public safety income tax funds must be deposited into a separate account or fund
- Municipality may appropriate from the public safety tax revenue fund for public safety purposes

Change to the Budget 2009

- Proposal 412 will transfer Public Safety Income Tax revenues from the IMPD General Fund,
- Fire Pension Trust Fund and the County General Fund to the Public Safety Income Tax Fund (City and County).
- Transfer revenue of \$61.4M in 2009 to the Public Safety Tax Fund, (\$25.6M County and \$35.8M City)

2009 Revenue Impact

Revenue	Fund	Reduction	Fund	Increase
<u>CITY</u>				
Public Safety Income Tax	IMPD General	-\$29,883,435	Public Safety Income Tax	\$35,788,092
Public Safety Income Tax	Fire Pension Trust	-\$5,904,657		
<u>COUNTY</u>				
Public Safety Income Tax (County)	County General	-\$25,615,150	Public Safety Income Tax	\$25,615,150

Change to the Budget 2009

- Shifts appropriations from IMPD General Fund, Fire Pension Trust Fund and County General Fund to the Public Safety Income Tax Fund (City and County)
- Agencies affected: IMPD, Fire Pension Office, Superior Courts, Sheriff's Department, Coroner, Prosecutor, Public Defender and the Crime Lab
- DOES NOT REDUCE THE OVERALL BUDGET OF IMPD, FIRE PENSION AND COUNTY AGENCIES!!

2009 Appropriation Impact

Agency	Fund	Reduction	Fund	Increase
IMPD	IMPD General	-\$29,883,435	Public Safety Income Tax	\$29,883,435
Fire Pension Office	Fire Pension Trust	-\$5,904,657	Public Safety Income Tax	\$5,904,657
Sheriff	County General	-\$12,491,471	Public Safety Income Tax	\$12,491,471
Superiors Courts	County General	-\$6,926,871	Public Safety Income Tax	\$6,926,871
Coroner	County General	-\$441,007	Public Safety Income Tax	\$441,007
Prosecutor	County General	-\$2,036,160	Public Safety Income Tax	\$2,036,160
Public Defender	County General	-\$2,819,943	Public Safety Income Tax	\$2,819,943
Crime Lab	County General	-\$899,698	Public Safety Income Tax	\$899,698